



Frequently Asked Questions about Stillaguamish Water Reserves

from Ecology's Water Resources Program

Surface water is water located above ground, such as a river, stream, spring or lake.

Groundwater is water located under ground.

An instream flow is the amount of water needed in a particular place for a defined time, set in rule.

Only water above instream flow levels is available for new uses. Instream flows became effective Sept. 26, 2005, the date of the rule; they do not affect existing water rights.

A closed stream is one that, based on existing conditions and uses, is closed by the Dept. of Ecology to new water uses.

The Department of Ecology (Ecology) adopted a new regulation for the Stillaguamish River basin in September 2005. Formally called an "Instream Resources Protection and Water Resources Program," the rule is designed to protect salmon and other important resources in the watershed that depend on having adequate stream flows. The rule:

- **Sets minimum flow levels** ("instream flows") that vary with the season for the streams and rivers in the basin. The regulation ties new water rights to the minimum flow levels, enabling Ecology to curtail junior withdrawals when flows cannot be met.
- **Sets aside 3.2 million gallons of underground (ground) water a day for future household and minor small business uses, and reserves approximately another seven million gallons of surface and groundwater a year for grazing livestock.** These uses would not be subject to the stream-flow requirements.
- **Establishes maximum withdrawal limits** for specific water sources in the basin.
- **Closes or partially closes numerous water bodies to new uses** – with some exceptions.
- **Provides guidance for acquiring new water rights or for changing or transferring** existing water rights in the basin.

Ecology developed the rule in close coordination with local governments, the Tulalip and Stillaguamish Indian tribes, utilities, regional salmon recovery efforts, the state Department of Fish and Wildlife, and other interested groups and citizens in the watershed.

Under state law, Ecology is required to protect and preserve our rivers and streams and the resources (fish, wildlife, navigation, recreation, water quality, etc.) that depend on having sufficient stream flows. Therefore, Ecology established minimum instream flows in the Stillaguamish basin, also known as Water Resources Inventory Area (WRIA) 5. In addition, due to chronic low flows and historic and current uses, Ecology has closed or partially closed numerous water bodies to new uses.

Ecology is also required to protect and preserve adequate supplies of safe drinking water for human needs. To reconcile what can be opposing mandates – protecting water resources while ensuring continued supplies of safe, clean water for human uses – the department has set aside a **reserve of groundwater** to provide an uninterrupted water supply for new households and minor small business uses such as toilets, lavatories and food preparation. In addition, an annual reserve of ground and surface water has also been established for grazing livestock in the Stillaguamish River basin.

Groundwater reserve for future human uses

Q: What is a "reserve" of water?

A: A reserve, or reservation, of water is a finite amount of water set aside for future human domestic uses. The rule specifies the place(s) and purpose(s) of use for the reserve. In the Stillaguamish rule, there are specific conditions associated with using the reserve.



Q: What is the Stillaguamish River basin reserve?

A: The reserve amount is up to a total of 3.23 million gallons a day. Of the 3.23 million gallons, a maximum of 1.29 million gallons can be taken daily from the North Fork Stillaguamish sub-basin, 969,408 gallons from the South Fork Stillaguamish sub-basin, and the rest from the mainstem sub-basin. Use of reserved water is not subject to instream flows or stream closures. It is available throughout the Stillaguamish River basin, with the exception of areas supplied by municipal water suppliers. The water use is subject to existing rights.

Single and small group domestic water use involves only small amounts of groundwater (less than 5,000 gallons a day). If the water use qualifies for the permit exemption, you will not need to get a water right. Although water usage of less than 5,000 gallons a day of groundwater means you are exempt from the water right permit process (“permit exemption”), all other water laws and regulations still apply. If you will need more than 5,000 gallons a day for a single project (regardless of the number of wells), you cannot access the reserve and must apply for a water right.

Q: What are “domestic water uses”?

A: For the Stillaguamish rule, “domestic water use” is defined as drinking-quality water to satisfy the human domestic needs of a household or small business, including water used for drinking, cooking, bathing, sanitary purposes, laundering, and other incidental uses.

“Domestic use” also includes outdoor watering limited to an area not exceeding 1/12th of an acre, or 3,630 square feet (about the size of a 75 ft. x 48 ft. lot).

Q: Who can use the reserve?

A: The reserve is available to persons who need an uninterruptible water supply for either single or small group domestic uses (as defined above) and cannot hook-up to a municipal water supply. The use must not exceed 5,000 gallons a day. Users must agree to comply with the conditions of use for the reserve.

Q: What are the conditions of water use for the reserve?

A: To access water from the reserve, property owners must comply with the following conditions of use:

- 1) The groundwater use is for domestic purposes.
- 2) The use meets the criteria for a groundwater permit exemption (does not exceed 5,000 gallons a day).
- 3) If you live in an area where you can hook up to a municipal water supplier, you must do so.
- 4) Small group domestic systems are required to meter and report their water use.
- 5) There must be water available in the reserve, in the appropriate sub-basin. The reserve is a one-time, finite amount of water and once it is fully allocated, it is no longer available.

Q: What is the process for accessing the reserve for residential uses requiring a building permit or subdivision approval?

A: The process for developing residences and small businesses requiring a building permit or subdivision approval is:

- 1) Prior to drilling a well, you (the property owner in WRIA 5) must first determine whether the project is appropriate for use of the reserve. If so, you must find out whether the project is located in an area covered by a municipal water supplier and request service. If you can hook-up to municipal water, then you cannot access the reserve. If your project is appropriate for use of the reserve and you *cannot* hook-up to municipal water, the next step is to submit a Notice of Intent to Construct a Water Well form (NOI).

Q: How can I find out if I am in a municipal water supply service area?

A: You may contact your local health district or county planning department.

Ecology is currently developing a Web site that will provide maps to query and help you determine whether you are in a municipal supply service area. The site also will provide contact information.

Q: Is the reserve the only way to get water for new uses in the Stillaguamish basin?

A: No. Water is available at specific locations and times of year for projects that do not require year-round, uninterrupted water supplies. These withdrawals are subject to the instream flows (only water above the instream flow levels is available for new uses) and in amounts up to specified maximums.

- 1) Surface and groundwater permits not subject to the instream flows and closures may be issued in the following situations:
 - a. The proposed use is non-consumptive (water use that does not diminish the amount or quality of water in the water source).
 - b. You submit a scientifically sound mitigation plan for the proposed use and it is approved by Ecology.
 - c. The proposed groundwater use will not impair senior water rights, and you can demonstrate that through studies and technical analysis.
 - d. The proposed use is for a salmon recovery project recommended for approval by the Department of Fish & Wildlife.
- 2) Surface water permits to withdraw up to 150 gallons a day of surface water from lakes and ponds, for single in-house domestic uses only, can be issued.

Q: Who will keep track of the reserve water and how will I know if water is still available?

A: Ecology will keep a record of all groundwater withdrawals from the reservation, by sub-basin. Ecology will notify Skagit and Snohomish counties, in writing, when it determines that 50%, 75% and 100% of the reservation has been used. In addition, Ecology will issue a public notice every year in newspapers of general circulation in the basin that show the amounts of reserved water used and what remains, for each sub-basin.

Q: What happens when the reserve is fully allocated?

A: Surface and groundwater permits not subject to instream flows and closures may be issued under certain circumstances. Changes to, or transfers of, existing water rights is another option. Ecology will work with the counties and utilities to help acquire the resources and expertise to develop other reliable water sources for new uses, including reuse of reclaimed water, storage, applying conservation and efficiency measures to existing uses and the transfer of saved water.

There is a continuing need for ongoing and reliable sources for new water uses. Population growth is putting a strain on the Stillaguamish basin's water supplies. Even in wet years, water is not necessarily available where or when it is most needed, especially during summer and fall and dry years when demand is greatest.

Reserve of surface water for stock watering

Q: Describe the stock watering reserve.

A: Ecology has set aside surface water for stock which drink directly from streams, lakes or other public waters. Use of water from the stock water reservation is limited to the land base and carrying capacity of the grazing lands next to the

stream or water course. The reservation is not available for feedlots and other activities not related to normal grazing land uses.

Ecology encourages existing riparian stock water right holders to remove livestock from streams in order to protect water quality and stream habitat. Uses that meet all of the following conditions qualify as direct stock watering from a stream:

- 1) Small amounts of water are diverted (screened and piped) to nearby stock water tanks for consumption by livestock.
- 2) Stock water tanks are located close to the surface water source, and have as short a bypass reach as possible, while providing protection to the water body, stream bank and associated vegetative zone.
- 3) If a float or demand type valve is not used, the tank overflow must return to the same source, at or near the point of diversion.
- 4) The stock tank must serve grazing livestock which normally range that parcel of property.
- 5) The quantity of water consumed from the stock tank should not exceed the quantity consumed if the stock drank directly from the stream.

For more information

Information on the Stillaguamish Instream Resources Protection and Water Resources Program rule can be accessed through Ecology's Web site. The address is: <http://www.ecy.wa.gov/programs/wr/instream-flows/isfhm.html>.

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